IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION
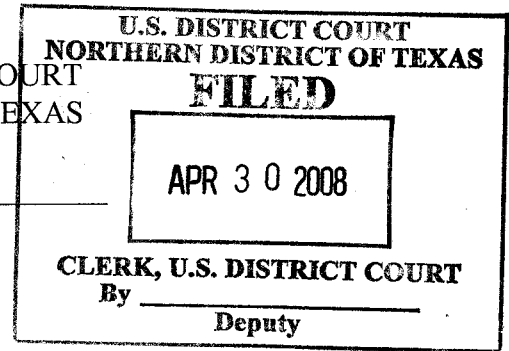
LUCIUS JAMES HENRY, PRO SE, TDCJ-CID #1078515, Previous TDCJ-CID #493835	§ § § §	
Plaintiff,	§ §	
v.	§ §	2:06-CV-0343
RICARDO MARTINEZ ET AL.,	§ §	
Defendants.	§ §	

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
AND ORDER OF DISMISSAL**

Plaintiff LUCIUS JAMES HENRY, proceeding pro se and in forma pauperis, has filed

suit pursuant to Title 42, United States Code, Section 1983 complaining against three defendants.

On June 28, 2007, plaintiff's claims against defendant VERNELL JOHNSON, JR. were

dismissed by Order of Partial Dismissal.

On April 1, 2008 the Magistrate Judge issued a Report and Recommendation that the

Motion for Summary Judgment filed by defendants RICARDO MARTINEZ and THOMAS P.

GOBLE be granted and the Civil Rights Claims by plaintiff LUCIUS JAMES HENRY against

MARTINEZ and GOBLE in their individual capacities be dismissed with prejudice and his

claims against MARTINEZ and GOBLE in their official capacities be dismissed without

prejudice as barred by the Eleventh Amendment.

No objections to the April 1, 2008 Report and Recommendation have been filed by either

party; and the response period has expired.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation.

The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that defendants' motion for summary judgment is GRANTED; plaintiff's Civil Rights Claims against defendants RICARDO MARTINEZ and THOMAS P. GOBLE in their individual capacities are DISMISSED WITH PREJUDICE; and his claims against MARTINEZ and GOBLE in their official capacities are DISMISSED WITHOUT PREJUDICE AS BARRED BY THE ELEVENTH AMENDMENT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk will mail a copy of this Order to the plaintiff, and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this _30th_ day of _April_, 2008.

MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE